

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:10CV125

JAMES L. YERKES,

Plaintiff,

vs.

NATIONWIDE TRUSTEE SERVICES,
INC, and ATTORNEY PHILIP A.
ITALIANO,

Defendants.

ORDER

This matter is before the court upon Defendant Philip A. Italiano's Motion to Dismiss the Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure for failure to state a claim upon which relief can be granted. On December 6, 2010, the court entered an Order directing the *pro se* Plaintiff to file a response in opposition to the motion within fourteen days. To date, the Plaintiff has failed to file any such response or request an extension of time to do so. Plaintiff's Complaint appears to arise out of the origination, servicing and foreclosure on Plaintiff's mortgage. The court has considered the Defendant's Motion to Dismiss and finds that for the reasons stated in Defendant's Memorandum of Law in Support of Motion to Dismiss Complaint, the motion should be granted.

IT IS THEREFORE ORDERED that Defendant Italiano's Motion to Dismiss the case as against him is hereby GRANTED.

Signed: March 10, 2011



Graham C. Mullen
United States District Judge

